

NPL-429-5-5-R6

**GARY E. JOHNSON**  
GOVERNOR**State of New Mexico**  
**ENVIRONMENT DEPARTMENT****Harold Runnels Building**  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-2918  
(505) 827-2965 fax**PETER MAGGIORE**  
SECRETARY

June 9, 1999

**Gregg A. Cooke**  
Acting Regional Administrator  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733**RE: Proposal for Inclusion of the Fruit Avenue Plume Site, Bernalillo County, New Mexico on the National Priorities List**

Dear Mr. Cooke:

This letter is in response to the U.S. Environmental protection Agency's (EPA) request for concurrence from the State of New Mexico (State) for the proposal to include the Fruit Avenue Plume site on the National Priorities List (NPL). I am writing to you as Governor Johnson's designee regarding environmental issues.

The Superfund Oversight Section of the Ground Water Quality Bureau, New Mexico Environment Department (NMED) has been actively involved with the investigation of the Fruit Avenue Plume site following the closure of several water production wells in the downtown Albuquerque area as a result of trichloroethene contamination in groundwater. NMED believes the site is eligible for inclusion on the NPL as indicated by the Hazard Ranking System evaluation. Use of the Superfund is the most feasible mechanism available to pay for the remediation of the site as viable potentially responsible parties (PRPs) have not been identifiable.

The Superfund Oversight Section of NMED has completed investigations to date through grant monies awarded by the EPA. Upon NPL listing, NMED expects to continue in this role to oversee work at the site as we have done for the Cal West Metals and North Railroad Avenue sites. CERCLA regulations outline that the Superfund will pay for 90 percent of the

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remediation activities, and the State is responsible for the remaining 10 percent. The City of Albuquerque may be able to provide a contribution to the State's share of remediation costs.

Based on the above, the State strongly supports the proposal for inclusion of the Fruit Avenue Plume site on the NPL. A copy of the City of Albuquerque's letter in support of listing the site is attached.

Sincerely,



Peter Maggiore,  
Secretary  
New Mexico Environment Department

enclosure

cc: Gary Johnson, Governor, New Mexico  
Jim Baca, Mayor, City of Albuquerque  
Myron Knudson, Director, Superfund Division, EPA Region 6

**City of Albuquerque**

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

**RECEIVED****MAY 12 1999**NM ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY

May 10, 1999

Governor Gary E. Johnson  
State Capitol  
Santa Fe, NM 87503

**RE: NATIONAL PRIORITY LISTING OF THE FRUIT AVENUE GROUNDWATER PLUME IN  
DOWNTOWN ALBUQUERQUE**

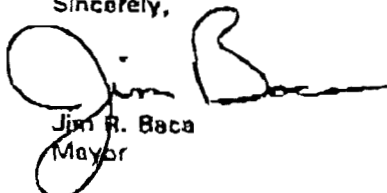
Dear Governor Johnson:

In August of 1995, then Mayor Martin Chavez sent you a letter requesting that you not support a National Priority Listing of the Elite Cleaners site in downtown Albuquerque. Since then, a significant amount of work has taken place to better define the extent of the groundwater contaminant plume, which is now named the Fruit Avenue Plume. The New Mexico Environment Department staff have worked closely with the Albuquerque Environmental Health Department to better characterize the problem.

It appears that groundwater contamination is significant and will require cleanup. No responsible parties have been identified to take financial responsibility for the contamination. For this reason, it appears that Superfund monies are the only alternative to remediate the contamination. My staff and I have met with representatives from NMED and EPA, and we have been assured that cleanup will take place rapidly and the impact to the Downtown area will be minimal.

Because revitalization of the Downtown area is a significant focus of my Administration, I would like assurance that the City be the lead on media initiatives and that technical staff from the Albuquerque Environmental Health Department continue to be consulted as progress on the site continues. I am supporting an expedited cleanup of the Fruit Avenue plume using Superfund monies and a National Priority Listing. I request that the State of New Mexico do the same, and request your support in an expedited cleanup and continued City involvement in the process. As always, we appreciate the ongoing positive working relationship we have enjoyed with Secretary Maggiore and his professional staff.

Sincerely,

  
Jim R. Baca  
Mayor

cc: Peter Maggiore, New Mexico Environment Department  
Myron Knudson, EPA Region 6